

## **REMARKS**

A. Claims 1, 2 and 7-9 stand rejected under 35 U.S.C § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner believes the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the Examiner states that Applicants' specification describes the properties of cells obtained using the claimed steps on muscle tissue, but the working examples include no characterization of cells obtained from adipose tissue. Furthermore, the Examiner opines that little is known in the prior art regarding all tissues of mesenchymal origin that can be cultured to yield undifferentiated stem cells.

In response to this rejection, Applicants concurrently submit an IDS with two separate references. The first, a paper to Hiroshi Mizuno, et al. (entitled "Myogenic Differentiation by Human Processed Lipoaspirate Cells") shows that lipoaspirate cells, which display multilineage mesodermal potential in vitro (and are therefore fat stem cells), can undergo myogenic differentiation. The second, a paper to Atsushi Asakura, et al. (entitled "Muscle satellite cells are multipotential stem cells that exhibit myogenic, osteogenic, and adipogenic differentiation") shows that muscle satellite cells, which are a stem cell population, can differentiate into osteocytes or adipocytes. These articles lend support to the fact that the claims do enable one skilled in the art to make and/or use the invention.

Furthermore, Applicants have prepared experimental data that evidences the differentiating abilities of human fat stem cells and human muscle stem cells of the invention. As the Examiner has not presented a §101 rejection, the experimental data has not been submitted. However, should the Examiner feel that the above arguments and articles provided are not adequate to overcome the rejection, Applicants will provide such experimental data by way of declaration.

B. Claims 1, 2 and 7-9 stand rejected under 35 U.S.C § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response, the appropriate claims have been amended and now particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Favorable examination on the merits is requested.

Respectfully submitted,



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